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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/694,844

10/29/2003

Raphael Duval

PET-1802 D2

2492

23599 7590 02/22/2007
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EXAMINER

HENRY, MICHAEL C

ART UNIT

PAPER NUMBER

1623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/694,844	Applicant(s) DUVAL, RAPHAEL	
	Examiner Michael C. Henry	Art Unit 1623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1,6-12 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/394,905.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/29/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following office action is a responsive to the amendments filed on 12/11/06 in which a provisional election was made without traverse to prosecute the invention of Group II, claims 2-5 and 13. The response has the following effect:

1. Claims 2-5 and 13, the invention of Group II are prosecuted by the examiner.
Claims 1, 6-12 and 14 are withdrawn.
2. The responsive is contained herein below.

Claims 1-14 are pending in the application

Claim Objections

Claims 2 and 13 are objected to because of the following informalities: The claims recites the phrase "an oxygen atom of the group -NH" which appears to be a typographical error. It appears that the word "of" in the phrase should be replaced by the word "or". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

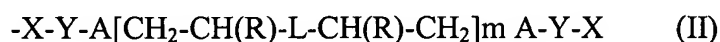
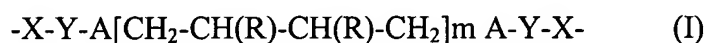
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkinson (US 3,627,872).

In claim 2, applicant claims a support material consisting essentially of a cross-linked

Art Unit: 1623

polymer compound in a three-dimensional network, comprising a radical of general formula (I) or (II):



where X represents an oxygen atom or the group -NH, m is an integer other than zero equal at most to 5, R represents a hydrogen atom or a substituted or non-substituted, linear or branched alkyl radical having from 1 to 8 carbon atoms, Y represents a single bond, -NH-CO-group, -NH-CS group or -CO-group, A represents a single bond, a linear or branched alkylene radical having from 1 to 21 carbon atoms, an arylene radical having from 6 to 18 carbon atoms or an aralkylene radical having from 7 to 40 carbon atoms, Claims 3-5 are drawn to said support material wherein the support material is of specific form or shape, specific % or wherein the support material obtained from specific source. Claim 13 is drawn to a percolation membrane comprising a cross-linked polymer compound in a three-dimensional network, comprising a radical of general formula (I) or (II).

Parkinson teaches a cross-linked polymer compound comprising a radical of general formula (I), that is an ether bridge or linkage of the general type -O-X-O- wherein X represent an aliphatic radical containing 3 to 10 carbon atoms inclusively (see col. 2, lines 5 to 44). Thus, when X is an aliphatic radical (such as alkylene group) that contains 4 carbons then Parkinson's radical is the same as applicant's radical of general formula (I) wherein X represents an oxygen atom, m is an integer = 1, R represents a hydrogen atom, Y represents a single bond and A represents a single bond (see col. 2, lines 5 to 44). Furthermore, Parkinson discloses that the

Art Unit: 1623

cross-linked polymer compound can be formed from polysaccharide such as dextran, starch, cellulose and hydroxyethyl cellulose (see col. 2, lines 5 to 44).

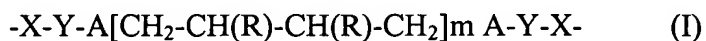
Parkinson fails to recite a specific compound, but suggests a compound that reads on the claimed invention.

Francotte discloses that crosslinked polysaccharides (polymers) derivatives can be used as support materials for chromatographic separation of enantiomers (see abstract) and that in conditioned form, they can be used as pure polymers the for chromatographic separation of enantiomers (see abstract).

It would have been obvious to one having ordinary skill in the art, at the time the claimed invention was made, in view of Parkinson and Francotte, to have prepared any compound suggested by Parkinson, in order to use them as support materials for chromatographic separation of enantiomers.

One having ordinary skill in the art would have been motivated, in view of Parkinson and Francotte, to prepare any compound suggested by Parkinson, in order to use them as support materials for chromatographic separation of enantiomers. It should be noted that the use of support material in specific form or shape, specific % or specific source (as recited in claims 3-5) depends on the factors such as the type of chromatography separation technique used.

In claim 13, applicant claims a percolation membrane comprising a cross-linked polymer compound in a three-dimensional network, comprising a radical of general formula (I) or (II):



Art Unit: 1623

where X represents an oxygen atom or the group -NH, m is an integer other than zero equal at most to 5, R represents a hydrogen atom or a substituted or non-substituted, linear or branched alkyl radical having from 1 to 8 carbon atoms, Y represents a single bond, -NH-CO-group, -NH-CS group or -CO-group, A represents a single bond, a linear or branched alkylene radical having from 1 to 21 carbon atoms, an arylene radical having from 6 to 18 carbon atoms or an aralkylene radical having from 7 to 40 carbon atoms,

Parkinson teaches a cross-linked polymer compound comprising a radical of general formula (I), that is an ether bridge or linkage of the general type -O-X-O- wherein X represent an aliphatic radical containing 3 to 10 carbon atoms inclusively (see col. 2, lines 5 to 44). Thus, when X is an aliphatic radical (such as alkylene group) that contains 4 carbons then Parkinson's radical is the same as applicant's radical of general formula (I) wherein X represents an oxygen atom, m is an integer = 1, R represents a hydrogen atom, Y represents a single bond and A represents a single bond (see col. 2, lines 5 to 44). Furthermore, Parkinson discloses that the cross-linked polymer compound can be formed from polysaccharide such as dextran, starch, cellulose and hydroxyethyl cellulose (see col. 2, lines 5 to 44).

Parkinson fails to recite a specific compound, but suggests a compound that reads on the claimed invention.

Francotte discloses that crosslinked polysaccharides (polymers) derivatives can be used as support materials for chromatographic separation of enantiomers (see abstract) and that in conditioned form, they can be used as pure polymers the for chromatographic separation of enantiomers (see abstract).

Art Unit: 1623

It would have been obvious to one having ordinary skill in the art, at the time the claimed invention was made, in view of Parkinson and Francotte, to have prepared any compound suggested by Parkinson, in order to use them as support materials for chromatographic separation of enantiomers.

One having ordinary skill in the art would have been motivated, in view of Parkinson and Francotte, to prepare any compound suggested by Parkinson, in order to use them as support materials for chromatographic separation of enantiomers. It should be noted that the use of support material in specific form or shape, specific % or specific source (as recited in claims 3-5) depends on the factors such as the type of chromatography separation technique used. Furthermore, it should be noted that the use of cross-linked polymer compounds in the form of membranes (as recited in claim 13) also depends on factors such as the type of chromatography separation technique used.

Conclusion

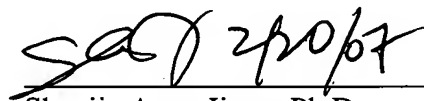
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Henry whose telephone number is 571-272-0652. The examiner can normally be reached on 8.30am-5pm; Mon-Fri. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 1623

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael C. Henry


Shaojia Anna Jiang, Ph.D.
Supervisory Patent Examiner
Art Unit 1623

February 17, 2007.